

ORDINANCE NO. 604

AN ORDINANCE REPEALING ORDINANCE 598 AND REENACTING PROVISIONS CONCERNING EMERGENCY TRUCK ROUTES WITHIN THE CITY OF LAS ANIMAS.

WHEREAS, the City of Las Animas have streets which are not capable of maintaining substantial loads;

WHEREAS, from time to time various trucking enterprises have used the streets of the City of Las Animas and have the streets to buckle under the weight of the load; and

WHEREAS, the streets are generally in residential districts where trucks do not normally travel with substantial loads; and

WHEREAS, in an effort to save the streets of the City of Las Animas, the City of Las Animas believes that an emergency exists and that an emergency truck route needs to be established, and further, that certain streets need to be prohibited from the usage of trucks over the weight of five tons.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO AS FOLLOWS:

SECTION 1. That Ordinance 598 is repealed in its entirety.

SECTION 2. That this Ordinance is considered to be an emergency Ordinance, as it effects the immediate health, safety, and welfare of the citizens of the City of Las Animas, and that great injury will occur to the citizens if it is not considered and passed on emergency basis.

SECTION 3. That persons driving trucks in excess of five tons are prohibited from using the following streets:

A. DEFINITIONS. For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. PERSON is any person, firm, partnership, association, corporation, company or organization of any kind.
2. HEAVY VEHICLE is any vehicle designed or operated for the transportation of persons or property, and

for the transportation of persons or property, and whose body weight or combined body and load weight exceeds Ten Thousand (10,000) pounds.

3. HEAVY VEHICLE ROUTE is a way over certain streets, as designated herein, over and along which heavy vehicles must operate.

B. APPLICATION OF REGULATION. All heavy vehicles within the City shall be operated only over and along the heavy vehicle routes herein established.

1. Exceptions. This ordinance shall not prohibit:

- a. EMERGENCY VEHICLES. The operation of emergency vehicles upon any street in the City.
- b. PUBLIC UTILITIES. The operation of heavy vehicles owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance, public construction, or operation of streets, street improvements, or public utilities within the City.
- c. DETOURED HEAVY VEHICLES. The operation of heavy vehicles upon any officially established detour.

C. PRESENT USE PERMITS.

1. APPLICATION-EXEMPTION. The owner or operator of a heavy vehicle being used in said owner or operator's business, at the time of the enactment of this ordinance may apply to the Chief of Police for a Present Use Permit exempting the owner or operator's present use from these provisions.
  - a. Application for said Present Use Permit shall be made to the Chief of Police within thirty (30) days of the publication of this Ordinance. Applications shall not be accepted beyond said thirty (30) day limit and no Present Use Permit shall be granted to an applicant failing to file application for such within said thirty (30) day limit.
2. PRESENT USE PERMIT CONDITIONS. It shall be a condition for the issuance of a Present use Permit hereunder, and said Present Use Permit shall clearly state thereon that:

- a. The Present Use Permit shall not be transferable to any other person or to any other location.
- b. The owner or operator shall not operate his heavy vehicle at idle for more than one (1) hour during any twenty-four (24) hour period of time.
- c. The Chief of Police shall state upon the present Use Permit the route to be used by the owner or operator of the heavy vehicle in reaching the parking location exempted by the Present Use Permit. The owner or operator shall use only that route designated by the City Chief of Police in reaching said parking location.

D. ENFORCEMENT.

1. CHIEF OF POLICE MAINTAINS SIGNS. The Chief of Police shall cause streets upon which heavy vehicles are prohibited to be clearly sign-posted, in accordance with the Model Traffic Code, to give notice that this Ordinance is in effect.
  - a. FAILURE TO POST. No person shall be charged with violating the provisions of this Ordinance by reason of operating or parking a heavy vehicle upon a street wherein heavy vehicle travel or parking is prohibited unless appropriate signs are posted on such street.
2. WEIGH IN. Any police officer of the City shall have the authority to require any person driving or in control of any heavy vehicle not proceeding over a heavy vehicle route or parking on a prohibited street or alley to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been complied with.

SECTION 4. That heavy vehicle route is hereby designated as follows:

- A. U.S. Highway 50, also known as Ambassador Thompson Boulevard;
- B. Colorado Highway 101;
- C. Sixth Street as bordered by the east most boundary limits of the City of Las Animas and as bordered on the west by

the intersection with Elm Avenue in the City of Las Animas;

- D. Second Street as bordered by the intersection with U.S. Highway 50 on the West side and the intersection of Vigil Avenue on the East side thereof;
- E. Third Street as bordered by the intersection with U.S. Highway 50 on the West side and the intersection of Vigil Avenue on the East side thereof;
- F. Fourth Street as bordered by the intersection with U.S. Highway 50 on the West side and the intersection of Vigil Avenue on the East side thereof;
- G. Fifth Street as bordered by the intersection with U.S. Highway 50 on the West side and the intersection of Vigil Avenue on the East side thereof;
- H. Seventh Street as bordered by the intersection with U.S. Highway 50 on the West side and the intersection of Vigil Avenue on the East side thereof;
- I. Moore Street as bordered by the intersection with Sixth Street on the North side and the intersection with Ninth Street on the south side thereof;
- J. Ninth Street as bordered by the intersection with Moore Street on the East side and the intersection with Highway 101 on the West side thereof;
- K. Ash Avenue as bordered by the intersection with U.S. Highway 50 on the North side and the intersection with Ninth Street on the south side thereof;
- L. An unplatted and unnamed street running roughly parallel to the railroad tracks and in close proximity to Ninth Street as bordered by the intersection with Ash Street on the East side and the intersection with Lois Avenue on the west side thereof;
- M. Lois Avenue as bordered by the intersection with Ninth Street on the north side and the intersection with the Southern most City Limits of Las Animas on the South side thereof;
- N. Cottonwood Avenue as bordered by intersection with Fifth Street on the North side and with the intersection of 8th Street on the South side.


- O. Eighth Street as bordered by the intersection with Cottonwood on the West side and with the intersection of Moore on the East side.

ADOPTED on first reading this 8th day of September, 1998, as an Emergency Ordinance.

CITY OF LAS ANIMAS

  
William F. Howland, Mayor

ATTEST:

  
Leslie J. Uncel, City Clerk  
je/vc